

**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

The Examiner is kindly thanked for indicating that the replacement drawing sheets submitted on March 27, 2007 are acceptable.

By way of this Amendment, Claims 8-33 directed to the non-elected invention are canceled. Applicants reserve the right to file a divisional application containing such claims.

Independent Claim 1 is amended to address the minor issue set forth in the middle of page two of the Official Action. In this regard, Claim 1 recites folding the middle portion of the fin, which fin comprises a sealed portion forming the transversal seal, such that primary flaps are created at transversal ends of the fin. Accordingly, withdrawal of the claim rejection based on the second paragraph of 35 U.S.C. § 112 is respectfully requested. It is respectfully requested that this Amendment be entered for purposes of negating the claim rejection based on the second paragraph of 35 U.S.C. § 112 and thereby simplifying the issues in this application.

Before turning to a discussion of the claims at issue in this application relative to the disclosures in the references relied upon in the most recent Official Action, it is believed that a brief overview of the method described in the application may be helpful.

The present application describes a method of folding the bottom of a package. The package comprises a sleeve of packaging material with a transversal seal 33 at the end of the bottom-forming portion of the package having the shape of a fin 15. The application describes that the method involves folding the middle portion of the fin

15 to create primary flaps 31 at the transversal ends of the fin 15. The application describes, in connection with the disclosed embodiment, that this folding of the middle portion of the fin 15 to create the primary flaps 31 can be accomplished through operation of the plunger 8. Next, the corners on the folded fin 15 are broken in the boundary regions between the primary flaps 31 and the edge between the bottom-forming portion of the sleeve and the rest of the sleeve. As discussed beginning in the application, the corners of the folded fin 15 can be broken in the noted boundary regions by a breaking unit 7. The corners on the folded fin 15 are broken such that secondary flaps 32 are folded in between the primary flaps 31 and the remaining part of the fin 15, with the secondary flaps 32 on the sides of each primary flap 31 being folded essentially towards each other. The method further involves folding the primary flaps 31 towards each other and pressing the primary flaps 31 towards the folded middle portion of the fin.

It is thus seen that the method at issue here involves the folding of the bottom-forming portion of a package that is provided with a fin comprising a sealed portion forming a transversal seal.

The Official Action sets forth a rejection of independent Claim 1 based on the disclosure in U.S. Patent No. 5,533,666 to *Cromwell* in view of the disclosure in U.S. Patent No. 5, 678,391 to *Andersen et al.*

*Cromwell* discloses an octagonal box structure and a method folding the end of the box. The box disclosed in *Cromwell* is specifically designed to contain flowable bulk material that is placed in a sealable plastic bag positioned in the box. That is, *Cromwell's* box is specifically constructed as a bag-in-box type of box in which a

sealable plastic bag holding the flowable contents is positioned in the box, with the weight of the contents maintaining the bottom end of the box in a closed state.

As the Official Action correctly notes, *Cromwell* does not disclose a method of folding the bottom-forming portion of a package, wherein the bottom-forming portion has the shape of a fin and comprises a sealed portion forming a transversal seal. To remedy this deficiency, the Official Action goes on to note that it would have been obvious to include a transversal seal in *Cromwell's* box in light of the disclosure in *Andersen et al.* That position is respectfully traversed for several reasons.

As noted above, *Cromwell* is specifically concerned with a bag-in-box type of box designed to contain flowable bulk material placed in a sealable plastic bag positioned in the box. *Cromwell* does not envision a box whose bottom end is sealed and does not require such a construction because the type of box with which *Cromwell* is concerned does not require a fin having a sealed portion defining a transversal seal. Thus, one point not addressed in the Official Action is why one of ordinary skill in the art would have found it necessary or desirable, and thus obvious, to provide a transversal seal in *Cromwell's* box structure. *Cromwell's* box is not intended to be a sealed packaging container and so there is no reason why an ordinarily skilled artisan would have found *Andersen et al.'s* disclosure of a sealed package end relevant to *Cromwell's* box. Further, considering the extra time and expense which would presumably be involved with providing *Cromwell's* box with a transversal seal, particularly where such a transversal seal is unnecessary, one of ordinary skill in the art would not have been motivated to derive the claimed method based on a combination of the disclosures in *Cromwell* and *Andersen et al.*

In addition, the particular closing method described and illustrated in Figs. 1-5 of *Cromwell* is completely incompatible with a package having a sealed end structure such as disclosed in *Andersen et al.* *Cromwell* describes a particular folding technique for folding the end panels to form the box end. The folding technique involves the use of the box set-up fixture 140 shown in Fig. 8 of *Cromwell*. This fixture 140 includes fixed plates 148, 150, 152, 154 that engage and push the box closure flaps 70, 74, 78, 82 inwardly as generally shown in Figs. 3-5. This particular folding technique is possible because the ends of the panels 70, 74, 78, 82 are freely movable and are not connected or sealed to one another. If one was somehow motivated to provide *Cromwell's* box end with a transversal seal such as described in *Andersen et al.*, it would not be possible to carry out the box end folding technique disclosed in *Cromwell*. To the extent one was somehow inclined to provide *Cromwell's* box end with a transversal seal as disclosed in *Andersen et al.*, one would presumably utilize the folding technique envisioned by *Andersen et al.*, a technique quite different from and not at all similar to that defined in Claim 1 at issue in this application.

For these additional reasons, it is respectfully submitted that there exists no reason why a person of ordinary skill in the art would have combined the disclosures in *Cromwell* and *Andersen et al.* in the manner recited in independent Claim 1.

In addition to the foregoing, the method of Claim 1 involves folding the middle portion of the fin, where the fin comprises a sealed portion forming the transversal seal, such that primary flaps are created at the transversal ends of the fin. If *Cromwell* is modified to include a fin with a transversal seal as disclosed in *Andersen et al.*, *Cromwell* does not disclose folding a middle portion of the fin to create primary flaps at

the ends of the transversal seal. Indeed, *Cromwell* merely discloses inwardly pressing the flaps 70, 78. Further, *Andersen et al.* certainly does not disclose folding the middle portion of the fin having a transverse seal to create primary flaps at the ends of the transversal seal.

The method of Claim 1 also involves breaking corners on the folded fin in the boundary regions between the primary flaps and the edge between the bottom forming portion of the sleeve and the rest of the sleeve so that secondary flaps are folded in between the primary flaps and a remaining part of the fin, with the secondary flaps on the sides of each primary flap thereby being folded essentially towards each other. If *Cromwell* is modified in the manner suggested in the Official Action, the result would not be a method that includes this additional aspect of the claimed method. *Cromwell* does not disclose that if the box end is provided with a fin having a transverse seal, the method should be carried out to break corners on the folded fin, let alone break corners on the folded fin in the boundary regions between the primary flaps and the edge between the bottom forming portion of the sleeve and the rest of the sleeve. Further, *Cromwell* lacks any disclosure that the claimed breaking of the corners is performed so that secondary flaps are folded in between the primary flaps and a remaining part of the fin as set forth in Claim 1. Once again, *Andersen et al.* certainly does not disclose these aspects of the claimed method.

Withdrawal of the rejection of record and allowance of this application are earnestly solicited.

Should any questions arise in connection with this application, or should the Examiner believe that a telephone conference with the undersigned would be helpful

in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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